

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTIS C. PAEZBOYD,

Plaintiff,

v.

KAISER FOUNDATION HOSPITAL, et  
al.,

Defendants.

No. 2:25-cv-01690-DJC-CKD PS

FINDINGS & RECOMMENDATIONS

Plaintiff filed a pro se civil complaint and this matter was referred to the undersigned by Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b). By order filed June 25, 2025 (ECF No. 3) the undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e), advised plaintiff of the deficiencies in the complaint, dismissed the complaint with leave to amend, and granted plaintiff thirty days to file an amended complaint. Plaintiff was warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. The time granted for plaintiff to file an amended complaint has expired. Plaintiff has neither filed an amended complaint nor sought an extension of time to do so.

In recommending this action be dismissed for failure to prosecute, the court has considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring

1 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v.  
2 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot  
3 move forward without plaintiff’s participation, the court finds the factors weigh in favor of  
4 dismissal.

5 In accordance with the above, IT IS HEREBY RECOMMENDED as follows:

- 6 1. This action be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and
- 7 2. The Clerk of the Court be directed to close this case.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, plaintiff may file written objections  
11 with the court and serve a copy on all parties. Such a document should be captioned “Objections  
12 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
13 objections within the specified time may waive the right to appeal the District Court’s order.  
14 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 Dated: August 5, 2025

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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